

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 168
94TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industrial Relations, March 15, 2007, with recommendation that the Senate Committee Substitute do pass.

0191S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to employment at will.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.594, to read as follows:

290.594. 1. As used in this section, the term "proper authorities" shall mean public authorities or authorities of the employer, but shall not include any individual who engaged in the reported illegal conduct.

2. The at-will employment doctrine shall not apply when the elements of a whistle-blower cause of action are established. A whistle-blower cause of action for wrongful discharge in violation of public policy is established if an employee proves by a preponderance of the evidence that:

(1) The employee reported to a proper authority conduct that the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation or a clearly mandated public policy;

(2) The employee was discharged; and

(3) The employee's report to a proper authority was the determining factor in the discharge.

3. The at-will employment doctrine shall not apply when the elements of a refusal to commit an illegal act cause of action are established. A refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy is established if an employee proves by a preponderance of the evidence that:

21 **(1) The employee acted to prevent the performance of conduct**
22 **that the employee had a good faith and reasonable belief would, if**
23 **completed, violate a statute, constitutional provision, or regulation or**
24 **a clearly mandated public policy;**

25 **(2) The employee opposed the performance of the act or refused**
26 **to perform the act;**

27 **(3) The employee was discharged; and**

28 **(4) The employee's opposition to the performance of the act or**
29 **the employee's refusal to perform the act was the determining factor in**
30 **the discharge.**

Unofficial ✓

Bill

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